

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ILEANA DELGADO,

Plaintiff,

Civil Action No.:

- against -

NOTICE OF REMOVAL

AMF BOWLING CENTERS, INC.,

Defendant.
----- x

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Defendant-Petitioner, AMF BOWLING CENTERS, INC. (hereinafter “Defendant-Petitioner”), by and through its counsel of record, WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, submits this Notice of Removal in accordance with 28 U.S.C. §§ 1332, 1441 and 1446, and the United States District Court for the Eastern District of New York Local Rule of Civil Procedure 81.1, and respectfully includes the following statements:

1. On or about April 11, 2022, the Plaintiff Ileana Delgado (hereinafter “Plaintiff”), filed a Summons and Verified Complaint in the Supreme Court of the State of New York, County of Suffolk. The civil action was entitled Ileana Delgado v. Bowlero Sayville, Bowlero Corp., d/b/a Bowlero Sayville, AMF Bowling Centers, Inc., d/b/a Bowlero Sayville and AMF Bowl-O-Drome Lanes, and bears Index Number 607007/2022.

2. On or about June 7, 2022, a Stipulation to Amend Caption and Summons and Complaint was filed, permitting Plaintiff to file an Amended Summons and Complaint. The stipulation also removed Bowlero Sayville, Bowlero Corp., d/b/a Bowlero Sayville and AMF Bowl-O-Drome Lanes from the caption and revised the name of Defendant AMF Bowling Centers,

Inc., d/b/a Bowlero Sayville to AMF Bowling Centers, Inc. As such, the only remaining Defendant in this action is Defendant-Petitioner AMF Bowling Centers, Inc.

3. On or about June 8, 2022, Plaintiff filed an Amended Summons and Amended Verified Complaint (hereinafter “Amended Complaint”) in the Supreme Court of the State of New York, County of Suffolk. The action is now entitled Ileana Delgado v. AMF Bowling Centers, Inc., and still bears Index Number 607007/2022.

4. As asserted in the Amended Complaint, Plaintiff seeks damages arising out of alleged personal injuries sustained in a slip and fall incident purportedly occurring on a certain premises owned, leased, managed, maintained, operated and/or controlled by Defendant-Petitioner. As per correspondence from Plaintiff’s counsel, the total damages to which plaintiff deems herself entitled to is one million two hundred fifty thousand dollars (\$1,250,000). Accordingly, the amount in controversy in this suit is in excess, exclusive of interests and costs, of \$75,000.

5. There is complete diversity of citizenship pursuant to 28 U.S.C. § 1332. The citizenship of the parties is as follows:

- a. Plaintiff Ileana Delgado is now, and was at the time said action was commenced, a resident and domiciliary of the State of New York residing, upon information and belief, at 1237 Boston Avenue, Bay Shore, New York; and
- b. Defendant-Petitioner AMF Bowling Centers, Inc. was and continues to be a Virginia corporation organized and existing under the laws of the State of Virginia, having its principal place of business in Virginia, 7313 Bell Creek Road Mechanicsville, Virginia.

6. The State Action was commenced against Defendant-Petitioner on or about April 11, 2022.

7. On July 8, 2022, Defendant-Petitioner filed and served a Verified Answer and Affirmative Defenses, along with a Notice of Deposition and Demand for *Ad Damnum*. Plaintiff's counsel responded to Defendant-Petitioner's Demand for *Ad Damnum* by letter correspondence dated August 4, 2022, transmitted via electronic mail on August 5, 2022, copies of which are collectively annexed hereto as **Exhibit "A,"** indicating that the damages allegedly sustained by Plaintiff arising from the subject incident amount to one million two hundred fifty thousand dollars (\$1,250,000), exceeding \$75,000.

8. No other proceedings have occurred in the State Court action.

9. This motion, is timely filed pursuant to 28 U.S.C. § 1446(b)(3), on the grounds and to the extent that Defendant-Petitioner filed its Notice of Removal within 30 days of receipt of Plaintiff's August 5, 2022 electronic mail transmitting Plaintiff's letter correspondence dated August 4, 2022, asserting an amount in controversy in excess of \$75,000.

10. Said action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332 and 28 U.S.C. § 1441. There is complete diversity of citizenship between Plaintiff and Defendant-Petitioner.

11. Written filing of this motion will be given to Plaintiff promptly after the filing of this Motion, as required by law.

12. A true and correct copy of this Motion will be filed with the Clerk of the Supreme Court of the State of New York, Suffolk County promptly after the filing of this motion, as required by law.

13. Attached to this Motion, and by reference made a part hereof, is an index identifying each document filed and/or served in the State Action, annexed hereto as **Exhibit “B,”** along with true and correct copies of all documents filed and/or served in the State Action, annexed hereto as **Exhibit “C.”**


14. By filing this Notice of Removal, Defendant-Petitioner does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction over Defendant-Petitioner, improper service of process upon the Defendant-Petitioner, and the absence of venue in this Court or in the court from which the action has been removed.

WHEREFORE, Defendant-Petitioner AMF Bowling Centers, Inc., prays that this action proceed in this Court as an action properly removed thereto.

Dated: White Plains, New York
September 2, 2022

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 
Keri A. Joeckel, Esq.
Attorneys for Defendant-Petitioner
AMF BOWLING CENTERS, INC.
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000
File No. 11033.00281

TO: THE HARRISON LAW GROUP, P.C.
Brett J. Harrison, Esq.
Attorneys for Plaintiff
ILEANA DELGADO
445 Broad Hollow Road, Suite 400
Melville, New York 11747
(631) 465-9797

EXHIBIT A

The Harrison Law Group, P.C.

445 Broad Hollow Road, Suite 400

Melville, New York 11747

Phone: (631) 465-9797

Fax: (631) 465-9799

August 4, 2022

Wilson Elser Moskowitz Edelman & Dicker, LLP
1133 Westchester Avenue
White Plains, New York 10604

Re: DELGADO v. AMF BOWLING CENTERS, INC.

Index No.: 607007/2022

Dear Ms. Joeckel:

Pursuant to the CPLR§ 3017, the plaintiff's total damages demand herein is \$1,250,000.00, however, our office is willing to enter into good faith settlement negotiations to amicably resolve this action.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

THE HARRISON LAW GROUP, P.C.



Brett J. Harrison

BJH/ks

Joeckel, Keri

From: Kristi Salsedo <kristi@hlgny.com>
Sent: Friday, August 5, 2022 1:12 PM
To: Joeckel, Keri
Cc: Sibila Hujic
Subject: Re: ILEANA DELGADO v. BOWLERO SAYVILLE et al 607007/2022
Attachments: Ltr to defts total damages.pdf

[EXTERNAL EMAIL]

Good Afternoon,

Attached please find our response to CPLR§ 3017, plaintiff's total damages.

Thank you
Kristi Salsedo
Paralegal
THE HARRISON LAW GROUP, P.C.
445 Broad Hollow Road
Suite 400
Melville, New York 11747
P: (631) 465-9797
F: (631) 465-9799
C: (646) 265-7618
kristi@hlgny.com

From: Kristi Salsedo
Sent: Tuesday, July 12, 2022 12:35:11 PM
To: Joeckel, Keri
Cc: Sibila Hujic
Subject: Re: ILEANA DELGADO v. BOWLERO SAYVILLE et al 607007/2022

Thank you for responding so quickly, I will speak with Mr. Harrison on this matter and get back to you shortly.

Kristi Salsedo
Paralegal
THE HARRISON LAW GROUP, P.C.
445 Broad Hollow Road
Suite 400
Melville, New York 11747
P: (631) 465-9797
F: (631) 465-9799
C: (646) 265-7618
kristi@hlgny.com

From: Joeckel, Keri <Keri.Joeckel@wilsonelser.com>
Sent: Tuesday, July 12, 2022 11:58:25 AM
To: Kristi Salsedo

EXHIBIT B

Index of New York State Courts Electronic Filing (NYSCEF) Documents

#	Document	
1	SUMMONS + COMPLAINT	Filed: 04/11/2022
2	AFFIRMATION/AFFIDAVIT OF SERVICE	Filed: 05/06/2022
3	STIPULATION - AMENDING CAPTION	Filed: 06/07/2022
4	SUMMONS (PRE RJI) (AMENDED)	Filed: 06/08/2022
5	COMPLAINT (AMENDED)	Filed: 06/08/2022
6	ANSWER	Filed: 07/08/2022
7	DEMAND FOR: Notice to Take Deposition and Demand for Ad Damnum	Filed: 07/08/2022
8	AFFIRMATION/AFFIDAVIT OF SERVICE	Filed: 07/21/2022
9	AFFIRMATION/AFFIDAVIT OF SERVICE	Filed: 07/21/2022
10	AFFIRMATION/AFFIDAVIT OF SERVICE	Filed: 07/21/2022
11	AFFIRMATION/AFFIDAVIT OF SERVICE	Filed: 07/25/2022
12	AFFIRMATION/AFFIDAVIT OF SERVICE	Filed: 07/25/2022
13	AFFIRMATION/AFFIDAVIT OF SERVICE	Filed: 07/25/2022

EXHIBIT C

Document #1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK-----X
ILEANA DELGADO,

Plaintiff,

-against-


BOWLERO SAYVILLE, BOWLERO CORP., d/b/a
BOWLERO SAYVILLE, AMF BOWLING CENTERS,
INC., d/b/a BOWLERO SAYVILLE and AMF BOWL-O-
DROME LANES,Defendants.
-----X**SUMMONS**

Index No.:

Date Purchased:

Plaintiff designates
SUFFOLK County as
the place of trialBasis of Venue:
Plaintiff's ResidencePlaintiff resides at:
1237 Boston Avenue
Bay Shore, NY 11706**TO THE ABOVE DEFENDANTS:**

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff(s) Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Melville, New York
April 6, 2022

BRETT J. HARRISON, ESQ.
THE HARRISON LAW GROUP, P.C.
Attorneys for Plaintiff
445 Broad Hollow Road, Suite 400
Melville, New York 11747
(631) 465-9797

Defendant's Address:

BOWLERO SAYVILLE
Via SECRETARY OF STATE
5660 Sunrise Highway
Sayville, New York 11782

BOWLERO CORP. d/b/a
BOWLERO SAYVILLE
Via SECRETARY OF STATE
5660 Sunrise Highway
Sayville, New York 11782

AMF BOWLING CENTERS, INC. d/b/a
BOWLERO SAYVILLE
Via SECRETARY OF STATE
5660 Sunrise Hwy
Sayville, New York 11782

AMF BOWL-O-DROME LANES
Via SECRETARY OF STATE
5660 Sunrise Hwy
Sayville, New York 11782

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
ILEANA DELGADO,

Plaintiff,

-against-

VERIFIED
COMPLAINT

Index No.:

Date Purchased:

BOWLERO SAYVILLE, BOWLERO CORP., d/b/a
BOWLERO SAYVILLE, AMF BOWLING CENTERS,
INC., d/b/a BOWLERO SAYVILLE, and
AMF BOWL-O-DROME LANES,

Defendants.

-----X

Plaintiff, by her attorneys, THE HARRISON LAW GROUP, P.C., complaining of the
Defendants herein alleges as follows:

1. At all times herein mentioned, Plaintiff, ILEANA DELGADO, was and still is a resident of the County of Suffolk, State of New York.
2. At all times hereinafter mentioned, Defendant, BOWLERO SAYVILLE, was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. At all times hereinafter mentioned, Defendant, BOWLERO SAYVILLE, was and still is a foreign corporation duly authorized to conduct business in the State of New York.
4. At all times hereinafter mentioned, Defendant, BOWLERO SAYVILLE, was and still is a limited liability company, organized and existing under and by the virtue of the laws of the State of New York.

5. At all times hereinafter mentioned, Defendant, BOWLERO SAYVILLE, was and still is a partnership duly organized and existing under and by the virtue of the laws of the State of New York.

6. At all times hereinafter mentioned, Defendant, BOWLERO SAYVILLE, was and still is a sole proprietorship duly organized and existing under and by virtue of the laws of the State of New York.

7. At all times hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, was and still is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

8. At all times hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, was and still is a foreign corporation duly authorized to conduct business in the State of New York.

9. At all times hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, was and still is a limited liability company, organized and existing under and by the virtue of the laws of the State of New York.

10. At all times hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, was and still is a partnership duly organized and existing under and by the virtue of the laws of the State of New York.

11. At all times hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, was and still is a sole proprietorship duly organized and existing under and by virtue of the laws of the State of New York.

12. At all times hereinafter mentioned, Defendant AMF BOWLING LANES, INC., d/b/a BOWLERO SAYVILLE, was and still is a domestic corporation duly organized and existing under the laws of the State of New York.

13. At all times hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, was and still is a foreign corporation duly authorized to conduct business in the State of New York.

14. At all times hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, was and still is a limited liability company duly organized and existing under and by the virtue of the laws of the State of New York.

15. At all times hereinafter mentioned, Defendant, AMF BOWLING LANES, INC., d/b/a BOWLERO SAYVILLE, was and still is a partnership duly organized and existing under and by the virtue of the laws of the State of New York.

16. At all times hereinafter mentioned, Defendant, AMF BOWLING LANES, INC., d/b/a BOWLERO SAYVILLE, was and still is a sole proprietorship duly organized and existing under and by virtue of the laws of the State of New York.

17. At all times herein mentioned, Defendant, AMF BOWL-O-DROME LANES, was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

18. At all times herein mentioned, Defendant, AMF BOWL-O-DROME LANES, was and still is a foreign corporation duly authorized to conduct business in the State of New York.

19. At all times hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, was and still is a limited liability company, organized and existing under and by the virtue of the laws of the State of New York.

20. At all times hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, was and still is a partnership duly organized and existing under and by the virtue of the laws of the State of New York.

21. At all times hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, was and still is a sole proprietorship duly organized and existing under and by virtue of the laws of the State of New York.

22. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, maintained a place of business at 5660 Sunrise Highway, Sayville, New York 11782.

23. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, owned, leased, operated, maintained and/or controlled the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782.

24. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, owned, leased, operated, maintained and/or controlled the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782 (hereinafter referred to as the "PREMISES").

25. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, owned said PREMISES.

26. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, operated said PREMISES.

27. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, managed said PREMISES.

28. Upon information and belief, at the time hereinafter mentioned, Defendant BOWLERO SAYVILLE, maintained said PREMISES.

29. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, controlled said PREMISES

30. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, was a tenant in possession of said PREMISES.

31. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO SAYVILLE, leased said PREMISES from another party.

32. Upon information and belief, at the time herein mentioned, Defendant, BOWLERO SAYVILLE, subleased said PREMISES from another party.

33. At all times hereinafter mentioned, Defendant, BOWLERO SAYVILLE, by its agents, servants, officers and/or employees, owned, operated, controlled, maintained and/or managed the PREMISES, including the bowling lane #1, the appurtenances thereto, and the surfaces surrounding the same.

34. At the times herein mentioned, Defendant, BOWLERO SAYVILLE, was under a duty to keep and maintain the said PREMISES in a safe and proper condition for patrons lawfully therein.

35. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, maintained a place of business at 5660 Sunrise Highway, Sayville, New York 11782.

36. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, owned, leased, operated, maintained and/or controlled the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782.

37. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, owned, leased, operated, maintained and/or controlled the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782 (hereinafter referred to as the "PREMISES").

38. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, owned said PREMISES.

39. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, operated said PREMISES.

40. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, managed said PREMISES.

41. Upon information and belief, at the time hereinafter mentioned, Defendant BOWLERO CORP., d/b/a BOWLERO SAYVILLE, maintained said PREMISES.

42. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, controlled said PREMISES.

43. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, was a tenant in possession of said PREMISES.

44. Upon information and belief, at the time hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, leased said PREMISES from another party.

45. Upon information and belief, at the time herein mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, subleased said PREMISES from another party.

46. At all times hereinafter mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, by its agents, servants, officers and/or employees, owned, operated,

controlled, maintained and/or managed the PREMISES, including the bowling lane #1, the appurtenances thereto, and the surfaces surrounding the same.

47. At the times herein mentioned, Defendant, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, was under a duty to keep and maintain the said PREMISES in a safe and proper condition for patrons lawfully therein.

48. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, maintained a place of business at 5660 Sunrise Highway, Sayville, New York 11782.

49. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, owned, leased, operated, maintained and/or controlled the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782.

50. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, owned, leased, operated, maintained and/or controlled the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782 (hereinafter referred to as the "PREMISES").

51. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, owned said PREMISES.

52. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, operated said PREMISES.

53. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, managed said PREMISES.

54. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, maintained said PREMISES.

55. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, controlled said PREMISES.

56. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, was a tenant in possession of said PREMISES.

57. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, leased said PREMISES from another party.

58. Upon information and belief, at the time herein mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, subleased said PREMISES from another party.

59. At all times hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, by its agents, servants, officers and/or employees, owned, operated, controlled, maintained and/or managed the PREMISES, including the bowling lane #1, the appurtenances thereto, and the surfaces surrounding the same.

60. At the times herein mentioned, Defendant, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, was under a duty to keep and maintain the said PREMISES in a safe and proper condition for patrons lawfully therein.

61. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, maintained a place of business at 5660 Sunrise Highway, Sayville, New York 11782.

62. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, owned, leased, operated, maintained and/or controlled the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782.

63. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, owned, leased, operated, maintained and/or controlled the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782 (hereinafter referred to as the "PREMISES").

64. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, owned said PREMISES.

65. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, operated said PREMISES.

66. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, managed said PREMISES.

67. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, maintained said PREMISES.

68. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, controlled said PREMISES.

69. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, was a tenant in possession of said PREMISES.

70. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, leased said PREMISES from another party.

71. Upon information and belief, at the time herein mentioned, Defendant, AMF BOWL-O-DROME LANES, subleased said PREMISES from another party.

72. At all times hereinafter mentioned, Defendant, AMF BOWL-O-DROME LANES, by its agents, servants, officers and/or employees, owned, operated, controlled, maintained and/or managed the PREMISES, including the bowling lane #1, the appurtenances thereto, and the surfaces surrounding the same.

73. At the times herein mentioned, Defendant, AMF BOWL-O-DROME LANES, was under a duty to keep and maintain the said PREMISES in a safe and proper condition for patrons lawfully therein.

AS & FOR A FIRST CAUSE OF ACTION

74. On December 15, 2021, Plaintiff, ILEANA DELGADO, while a customer who was lawfully present at said PREMISES, was caused to slip and fall onto the ground due to the greasy and/or slippery surface of bowling lane #1 on said PREMISES, thereby causing her to sustain serious permanent injuries and monetary damages hereinafter set forth.

75. The incident complained of, and injuries and damages hereinafter alleged, were caused solely by the carelessness and negligence of the Defendants, BOWLERO SAYVILLE, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, and AMF BOWL-O-DROME LANES, its officers, agents, servants and/or employees, in the ownership, operation, management, maintenance, supervision, inspection, repair and control, of the aforesaid PREMISES, without any culpable conduct on the part of the Plaintiff contributing thereto.

76. The Defendants, their agents, servants and/or employees had actual and/or constructive notice of the greasy and/or slippery condition of the floor in the area where the Plaintiff fell in that said defendants created and/or allowed said slippery condition by causing and/or allowing said greasy and/or other foreign substance to exist in said area and said dangerous,

and said dangerous and unsafe condition existed for a sufficient length of time to enable the Defendants, their agents, servants and/or employees to discover and remedy the same had they exercised reasonable and proper care.

77. The incident complained of, and injuries and damages hereinafter alleged, were caused solely by the carelessness and negligence of the Defendants, BOWLERO SAYVILLE, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, and AMF BOWL-O-DROME LANES, their officers, agents, servants and/or employees, in the ownership, operation, management, maintenance, supervision, inspection, repair and/or control of the aforesaid PREMISES, including the affirmative acts and/or omissions taken or failed to be taken with respect to the presence of said greasy and/or other slippery foreign substance; in causing and creating the existence of said greasy and/or slippery foreign substance; in causing and allowing the floor to become and to remain in a dangerous and unsafe condition; in failing to abate and/or remedy said greasy and/or slippery condition; and in failing to maintain the said PREMISES in a reasonably safe condition, all without any fault, negligence, assumption of risk, or other culpable conduct on Plaintiff's part contributing thereto.

78. As a result of the incident complained of, Plaintiff, ILEANA DELGADO, was caused to slip and fall and to sustain serious personal injuries, mental anguish, pain and suffering and loss of enjoyment of life, some of which are continuing or permanent.

79. Plaintiff has also been required to seek medical care and treatment and will require further medical care and treatment. In addition, she has been unable to attend to her usual and customary activities, and her disabilities are continuing and may be permanent. She has been compelled to expend money or incur obligations for services and expenses for her care and treatment, which may continue.

80. By reason of the foregoing, Plaintiff, ILEANA DELGADO, claims substantial damages in a sum in excess of the monetary jurisdictional limits of all lower Courts.

WHEREFORE, Plaintiff demands judgement against the Defendants, in a sum in excess of the monetary jurisdictional limits of any court other than the Supreme Court; together with interest and the costs and disbursements of this action.

Dated: Melville, New York
April 6, 2022

Yours, etc.



BRETT J. HARRISON, ESQ.
THE HARRISON LAW GROUP, P.C.
Attorneys for Plaintiff
445 Broad Hollow Road, Suite 400
Melville, New York 11747
(631) 465-9797

VERIFICATION

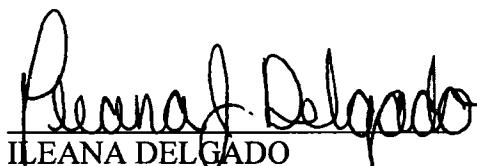
STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

ILEANA DELGADO, being duly sworn, deposes and says:

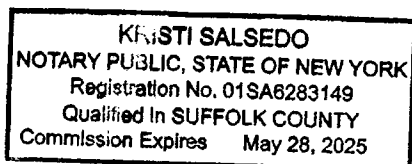
I am the Plaintiff in the within action and have read the foregoing **SUMMONS AND VERIFIED COMPLAINT** and know the contents thereof; and the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as those matters deponent believes it to be true.


ILEANA DELGADO

Sworn to before me on the


6th Day of April, 2022.

Notary Public



Index No.:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

ILEANA DELGADO,

Plaintiff,

-against-

BOWLERO CORP. d/b/a BOWLERO SAYVILLE,
AMF BOWLING CENTERS, INC.,
d/b/a BOWLERO SAYVILLE, and
AMF BOWL-O-DROME LANES,

Defendants.

SUMMONS & VERIFIED COMPLAINT

THE HARRISON LAW GROUP, P.C.

Attorneys for Plaintiff

ILEANA DELGADO

445 BROAD HOLLOW ROAD, SUITE 400

MELVILLE, NEW YORK 11747

TELEPHONE: (631) 465-9797

TELECOPIER: (631) 465-9799

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the Courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.



BRETT J. HARRISON, ESQ.

Sir: Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

2022

NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is a true copy will be presented for
one of the judges

of the within named Court, at
on the day of

2022

at

M.

Dated:

Yours, etc.

THE HARRISON LAW GROUP, P.C.

Attorneys for Plaintiff

ILEANA DELGADO

445 BROAD HOLLOW ROAD, SUITE 400

MELVILLE, NEW YORK 11747

TELEPHONE: (631) 465-9797

TELECOPIER: (631) 465-9799

Document #2

COUNTY OF SUFFOLK

INDEX #: 607007/2022

DATE FILED: 04/11/2022

COURT DATE:

Job #: 567699

Your File No: HARRISON

ILEANA DELGADO,

VS

Plaintiff

BOWLERO SAYVILLE, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, AMF BOWLING CENTERS, INC.,
d/b/a BOWLERO SAYVILLE and AMF BOWL-O-DROME LANES,

ORIGINAL

Defendant

CLIENT'S FILE NO.: HARRISON

STATE OF NEW YORK: COUNTY OF NASSAU ss:

AFFIDAVIT OF SERVICE

I, Yoler Jean-Baptiste, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of .

That on 5/2/2022 at 11:58 AM at C/O CT CORP; 28 LIBERTY ST, NEW YORK, NY 10035, deponent served the within SUMMONS, VERIFIED COMPLAINT AND NOTICE OF ELECTRONIC FILING by personally delivering to and leaving with VINCENZA CIPRIANO for AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE, a true copy thereof, and that deponent knew the person so served to be the AUTHORIZED PARTY/ and stated (s)he was authorized to accept legal papers for the defendant/recipeint herein.

THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 04/11/2022

A description of the person served on behalf of the defendant is as follows:

Approx Age: 51 - 65 Yrs., **Approx Weight:** 131-160 Lbs., **Approx Height:** 5ft 4in - 5ft 8in, **Sex:** Female, **Approx Skin:** White, **Approx Hair:** Black, **Other:**



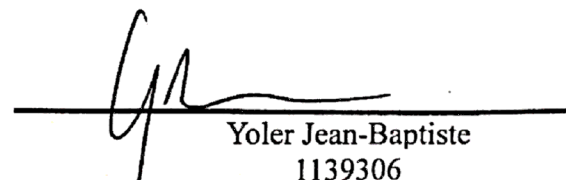
Sworn to before me on 5/5/2022

Leta Evanthes 01EV6205373

Notary Public, State of New York

Qualified in Nassau County

Commission Expires May 11, 2025

Yoler Jean-Baptiste
1139306

R/D Traveler's 206 Stonehinge Ln - Ste 2, Carle Place, NY 11514 - NYC DCA Lic# 1373465

Document #3

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----- X
ILEANA DELGADO,

Index No. 607007/2022

Plaintiff,

-against-

BOWLERO SAYVILLE, BOWLERO CORP., d/b/a
BOWLERO SAYVILLE, AMF BOWLING CENTERS,
INC., d/b/a BOWLERO SAYVILLE and AMF BOWL-O-
DROME LANES,

Defendants.

**STIPULATION TO AMEND
CAPTION AND SUMMONS
AND COMPLAINT**

----- X
IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the parties herein that the Summons and Complaint is hereby amended to change the caption, removing defendants BOWLERO SAYVILLE, BOWLERO CORP., d/b/a BOWLERO SAYVILLE and AMF BOWL-O-DROME LANES from the caption and revising the name of defendant AMF BOWLING CENTERS, INC., d/b/a BOWLERO SAYVILLE to AMF BOWLING CENTERS, INC.; and

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the attorneys for the parties herein, that Plaintiff may serve an Amended Summons and Complaint and that defendant's attorney, will accept service of process of the Amended Summons and Complaint on behalf of defendant.

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the undersigned attorneys for the parties herein, that defendant will serve an Answer within 30 days of receipt of the Amended Verified Complaint, and said Answer is deemed accepted by plaintiff's counsel as timely and properly served; and

IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the attorneys for the parties herein, that the Amended Summons and Complaint will be served within 30 days of the electronic filing of this Stipulation, and that the Amended caption shall read:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

----- X
ILEANA DELGADO,

Index No. 607007/2022

Plaintiff,

-against-

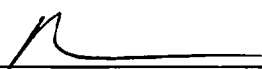
AMF BOWLING CENTERS, INC.,

Defendant.
----- X

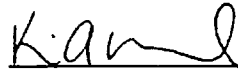
IT IS HEREBY FURTHER STIPULATED AND AGREED by and between the attorneys for the parties herein, that this stipulation may be executed in counterparts, a facsimile and/or electronic execution shall be deemed an original and the stipulation may be filed with the Court without further notice.

Dated: White Plains, New York
May 10, 2022

THE HARRISON LAW GROUP, P.C.


BRETT J. HARRISON, ESQ.
Attorneys for Plaintiff
445 Broad Hollow Road, Suite 400
Melville, New York 11747
(631) 465-9797

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP


KERI A. JOECKEL, ESQ.
Attorneys for Defendants
1133 Westchester Avenue
White Plains, New York 10604
(914) 872-7160
File No.: 11033.00281

Document #4

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK**AMENDED**
SUMMONS-----X
ILEANA DELGADO,

Plaintiff,

Index No.: 607007/2022

Date Purchased:

4/11/2022

-against-

Plaintiff designates
SUFFOLK County as
the place of trial

AMF BOWLING CENTERS, INC.,

Defendant.
-----X

Basis of Venue:

Plaintiff's Residence

Plaintiff resides at:

1237 Boston Avenue

Bay Shore, NY 11706

TO THE ABOVE DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff(s) Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Melville, New York

June 2, 2022


BRET J. HARRISON, ESQ.

THE HARRISON LAW GROUP, P.C.

Attorneys for Plaintiff

445 Broad Hollow Road, Suite 400

Melville, New York 11747

(631) 465-9797

Defendant's Address:

AMF BOWLING CENTERS, INC.

Via

Wilson, Elser, Moskowitz, Edelman &
Dicker LLP*Attorneys for Defendant*

AMF BOWLING CNENTERS, INC.

1133 Westchester Avenue

White Plains, New York 10604

(914) 872-7160

Document #5

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
ILEANA DELGADO,

Index No.: 607007/2022

Plaintiff,

AMENDED
VERIFIED
COMPLAINT

-against-

AMF BOWLING CENTERS, INC.,

Defendant.
-----X

Plaintiff, by her attorneys, THE HARRISON LAW GROUP, P.C., complaining of the
Defendant herein alleges as follows:

1. At all times herein mentioned, Plaintiff, ILEANA DELGADO, was and still is a resident of the County of Suffolk, State of New York.
2. At all times hereinafter mentioned, Defendant AMF BOWLING LANES, INC., was and still is a domestic corporation duly organized and existing under the laws of the State of New York.
3. At all times hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., was and still is a foreign corporation duly authorized to conduct business in the State of New York.
4. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., maintained a place of business at 5660 Sunrise Highway, Sayville, New York 11782.

5. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., owned and/or leased the bowling center located at 5660 Sunrise Highway, Sayville, New York 11782 (hereinafter referred to as the "PREMISES").

8. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., maintained said PREMISES

9. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., managed said PREMISES.

10. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., controlled said PREMISES.

11. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., operated said PREMISES.

12. Upon information and belief, at the time hereinafter mentioned, Defendant, AMF BOWLING CENTERS, INC., controlled said PREMISES.

13. At the times herein mentioned, Defendant, AMF BOWLING CENTERS, INC., was under a duty to keep and maintain the said PREMISES, including bowling lane #1, as well as the appurtenances thereto, and the surfaces surrounding the same, in a safe and proper condition for patrons lawfully therein.

AS & FOR A FIRST CAUSE OF ACTION

14. On December 15, 2021, Plaintiff, ILEANA DELGADO, while a customer who was lawfully present at said PREMISES, was caused to slip and fall onto the floor in the area of bowling lane #1, due to the greasy and/or slippery surface of the floor in said area, thereby causing her to sustain serious permanent injuries and monetary damages hereinafter set forth.

15. The incident complained of, and the injuries and damages sustained by the plaintiff, were caused solely by the carelessness and negligence of the Defendant, AMF BOWLING CENTERS, INC., its officers, agents, servants and/or employees, in the operation, maintenance, management, supervision, inspection, repair, and/or control of the aforesaid PREMISES, without any culpable conduct on the part of the Plaintiff contributing thereto.

16. The Defendant, their agents, servants and/or employees had actual and/or constructive notice of the greasy and/or slippery condition of the floor in the area where the Plaintiff fell in that said defendant created and/or allowed said slippery condition by causing and/or allowing said greasy and/or other foreign substance to exist in said area, and said dangerous and unsafe condition existed for a sufficient length of time to enable the Defendant, their agents, servants and/or employees to discover and remedy the same had they exercised reasonable and proper care.

17. The incident complained of, and injuries and damages hereinafter alleged, were caused solely by the carelessness and negligence of the Defendant, AMF BOWLING CENTERS, INC., their officers, agents, servants and/or employees, in the ownership, operation, management, maintenance, supervision, inspection, repair and/or control of the aforesaid PREMISES, including the affirmative acts and/or omissions taken or failed to be taken with respect to the presence of said greasy and/or other slippery foreign substance; in causing and creating the existence of said greasy and/or slippery foreign substance; in causing and allowing the floor to become and to remain in a dangerous and unsafe condition; in failing to abate and/or remedy said greasy and/or slippery condition; and in failing to maintain the said PREMISES in a reasonably safe condition, all without any fault, negligence, assumption of risk, or other culpable conduct on Plaintiff's part contributing thereto.

18. As a result of the incident complained of, Plaintiff, ILEANA DELGADO, was caused to slip and fall and to sustain serious personal injuries, mental anguish, pain and suffering and loss of enjoyment of life, some of which are continuing or permanent.

19. Plaintiff has also been required to seek medical care and treatment and will require further medical care and treatment. In addition, she has been unable to attend to her usual and customary activities, and her disabilities are continuing and may be permanent. She has been compelled to expend money or incur obligations for services and expenses for her care and treatment, which may continue.

20. By reason of the foregoing, Plaintiff, ILEANA DELGADO, claims substantial damages in a sum in excess of the monetary jurisdictional limits of all lower Courts.

WHEREFORE, Plaintiff demands judgement against the Defendant, in a sum in excess of the monetary jurisdictional limits of any court other than the Supreme Court; together with interest and the costs and disbursements of this action.

Dated: Melville, New York
June 2, 2022

Yours, etc.



BRETT J. HARRISON, ESQ.
THE HARRISON LAW GROUP, P.C.
Attorneys for Plaintiff
445 Broad Hollow Road, Suite 400
Melville, New York 11747
(631) 465-9797

VERIFICATION


STATE OF NEW YORK)

ss.:

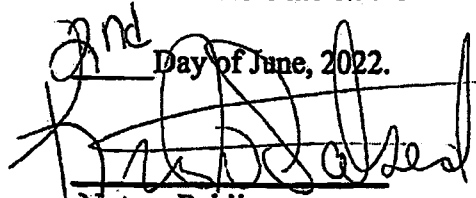
COUNTY OF SUFFOLK)

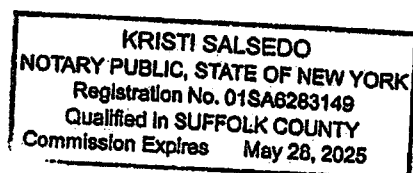
ILEANA DELGADO, being duly sworn, deposes and says:

I am the Plaintiff in the within action and have read the foregoing **AMENDED SUMMONS AND AMENDED VERIFIED COMPLAINT** and know the contents thereof; and the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as those matters deponent believes it to be true.


ILEANA DELGADO

Sworn to before me on the


Day of June, 2022.
Notary Public



Index No.: 607007/2022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

ILEANA DELGADO,

Plaintiff,

-against-

AMF BOWLING CENTERS, INC.,

Defendants.

AMENDED SUMMONS & AMENDED VERIFIED COMPLAINT

THE HARRISON LAW GROUP, P.C.

Attorneys for Plaintiff

ILEANA DELGADO

445 BROAD HOLLOW ROAD, SUITE 400

MELVILLE, NEW YORK 11747

TELEPHONE: (631) 465-9797

TELECOPIER: (631) 465-9799

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the Courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.


BRETT J. HARRISON, ESQ.

Sir: Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

2022

NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is a true copy will be presented for
one of the judges

of the within named Court, at
on the day of

2022 at M.

Dated:

Yours, etc.

THE HARRISON LAW GROUP, P.C.

Attorneys for Plaintiff

ILEANA DELGADO

445 BROAD HOLLOW ROAD, SUITE 400

MELVILLE, NEW YORK 11747

TELEPHONE: (631) 465-9797

TELECOPIER: (631) 465-9799

Document #6

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
ILEANA DELGADO,

Plaintiff,

-against-

AMF BOWLING CENTERS, INC.

Defendant.
-----X

Index No.: 607007/2022

VERIFIED ANSWER TO
AMENDED VERIFIED
COMPLAINT

Defendant, AMF BOWLING CENTERS, INC., by and through its attorneys, the law firm of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, as and for their Verified Answer to the Amended Verified Complaint, dated June 2, 2022, of Plaintiff, ILEANA DELGADO (“Plaintiff”), alleges, upon information and belief, as follows:¹

1. Denies any knowledge or information sufficient to form a belief as to the allegations set forth in the paragraph designated as “1” of Plaintiff’s Amended Verified Complaint.

2. Denies the allegations set forth in the paragraphs designated as “2”, “4” and “19” of Plaintiff’s Amended Verified Complaint.

3. Admits the allegations set forth in the paragraphs designated as “3”, “8”, “9”, “10”, “11”, and “12” of Plaintiff’s Amended Verified Complaint.

4. Denies the allegations set forth in the paragraph designated as “5” of Plaintiff’s Amended Verified Complaint, except admit to the extent that Defendant, AMF BOWLING CENTERS, INC., was a lessee of real property located at 5660 Sunrise Highway, Sayville, New York 11782.

¹ Plaintiff’s Amended Verified Complaint does not contain paragraphs designated as “6” and “7”.

5. Denies the allegations set forth in the paragraphs designated as “13”, “14”, “15”, “16”, “17”, “18”, and “20” of Plaintiff’s Amended Verified Complaint, leaving all questions of law for resolution by the Court and all questions of fact for resolution by the fact-finder.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. Upon information and belief, that whatever injuries and damages Plaintiff may have sustained at the time and place and in the manner alleged in the Amended Verified Complaint were caused, in whole or in part, by the culpable conduct, including contributory negligence, of said Plaintiff. The amount of damages recovered, if any, shall therefore be diminished in the proportion to which said culpable conduct, attributable to Plaintiff, bears to the culpable conduct which caused said injuries.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. Upon information and belief, that any and all risks, hazards, defects and danger of loss or danger connected with the situation alleged in the Amended Verified Complaint were at the time and place mentioned open, obvious, and apparent and were known, or should have been known, by Plaintiff and voluntarily assumed by her.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. That Plaintiff’s Amended Verified Complaint, or a portion thereof, fails to state a cause of action upon which relief may be granted.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. Upon information and belief, that the injuries and damages alleged were caused by the culpable conduct of some third person or persons over whom Defendant exercised no control.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

10. If, and in the event that, Defendant is found to be liable to Plaintiff, its liability is limited by the provisions of Article 16 of the CPLR.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

11. Upon information and belief, Plaintiff has been indemnified for medical costs and/or economic loss from a collateral source, by reason of which the liability of Defendant, if any, should be reduced by the amount provided by the collateral source.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

12. Defendant affirmatively pleads the provisions of section 4545 of the CPLR in limitation and mitigation of the damages sustained by Plaintiff, if any.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

13. Plaintiff failed to mitigate, obviate, diminish or otherwise act to lesson or reduce the injuries, damages and disabilities alleged in the Amended Verified Complaint.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

14. That the occurrence alleged in the Amended Verified Complaint was spontaneous and unavoidable and could not have been caused, anticipated or foreseen by Defendant.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

15. If Plaintiff sustained any damages, there was an intervening cause or causes which led to such injuries or damages and, as such, any act on the part of Defendant was not the proximate cause of Plaintiff's damages.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

16. While Defendant denies Plaintiff's allegations of negligence, liability, statutory liability, strict liability, injuries and damages, if proven, they were the result of intervening and/or

interceding acts of superseding negligence, liability, statutory liability, strict liability on the part of parties, which Defendant neither controlled nor had the right to control, and for which Defendant is not legally responsible.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

17. Upon information and belief, that Plaintiff's alleged damages were caused by pre-existing medical and health conditions.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

18. Upon information and belief, that service of the Summons and Complaint in this matter was not accomplished in the proper and designated manner as set forth in the CPLR, and therefore, the proper jurisdictional basis as against Defendant has not been effected.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

19. Any injury-causing defects alleged by Plaintiff were so trivial and therefore could not provide Defendant with notice of their alleged dangerous condition.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

20. That Defendant was without notice of any of the purported condition(s) alleged in the Amended Verified Complaint.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

21. Plaintiff failed to seek prompt, adequate, and proper medical care.

AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE

22. One or more of the causes of action are time barred pursuant to the applicable Statute of Limitations.

AS AND FOR AN EIGHTEENTH AFFIRMATIVE DEFENSE

23. Plaintiff lacks capacity to sue.

AS AND FOR A NINETEENTH AFFIRMATIVE DEFENSE

24. Defendant reserves the right to claim limitations of liability provided pursuant to General Obligations Law § 15-108.

AS AND FOR A TWENTIETH AFFIRMATIVE DEFENSE


25. Defendant reserves the right to assert additional and/or affirmative defenses based upon information obtained through discovery and inspection.

WHEREFORE, Defendant AMF BOWLING CENTERS INC. demands judgment against Plaintiff dismissing the Amended Verified Complaint herein plus interest; together with the costs, disbursements, attorney's fees of the within action, and any other relief this Court deems just.

Dated: White Plains, New York
July 8, 2022

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 
Keri A. Joeckel, Esq.
Attorneys for Defendant
AMF BOWLING CENTERS, INC.
1133 Westchester Avenue
White Plains, New York 10604
(914) 872-7160
File No.: 11033.00281

TO: Brett J. Harrison, Esq.
THE HARRISON LAW GROUP, P.C.
Attorneys for Plaintiff
445 Broad Hollow Road, Suite 400
Melville, New York 11747
(631) 465-9797

ATTORNEY VERIFICATION

KERI A. JOECKEL, being duly sworn, deposes and says:

That she is associated with the law firm of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, the attorneys representing the defendant AMF BOWLING CENTERS, INC. in the above-captioned action;

That she has read the attached Verified Answer to the Amended Verified Complaint, and the same is true to her own belief, except as to the matters alleged on information and belief, and as to those matters, she believes them to be true to the best of her knowledge;

That deponent's source of information is a claims file containing reports and records of investigation, with which deponent is familiar;

That this Verification is made by deponent because her client does not reside within the county where the deponent maintains her office.

Dated: White Plains, New York
July 8, 2022



KERI A. JOECKEL

Document #7

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
ILEANA DELGADO,

Index No.: 607007/2022

Plaintiffs,

-against-

AMF BOWLING CENTERS, INC.,

Defendants.
-----X

**NOTICE TO TAKE
DEPOSITIONS UPON
ORAL EXAMINATION**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Practice Law and Rules the testimony, upon oral examination of the plaintiff will be taken before a Notary Public who is not an attorney, or employee of an attorney, for any party or prospective party herein and is not a person who would be disqualified to act as a juror because of interest or because of consanguinity or affinity to any party herein, at the office of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, located at 1133 Westchester Avenue, White Plains, New York 10604, on **October 3, 2022** at 10:00 o'clock in the forenoon of day with respect to evidence and material necessary in the defense of this action.

The said person to be examined is required to produce at such examination any and all documents relative to the claims in the plaintiff's Amended Verified Complaint.

Dated: White Plains, New York
July 8, 2022

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

Keri A. Joeckel, Esq.
Attorneys for Defendant
1133 Westchester Avenue

White Plains, New York 10604
(914) 872-7160
File No.: 11033.00281

TO: Brett J. Harrison, Esq.
THE HARRISON LAW GROUP, P.C.
Attorneys for Plaintiff
445 Broad Hollow Road, Suite 400
Melville, New York 11747
(631) 465-9797

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
ILEANA DELGADO,

Index No.: 607007/2022

Plaintiff,

DEMAND FOR AD DAMNUM

-against-

AMF BOWLING CENTERS, INC.,

Defendant.
-----X

PLEASE TAKE NOTICE that the defendant, AMF BOWLING CENTERS, INC., by its attorneys, WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP., hereby demands, pursuant to CPLR §3017, that plaintiff set forth the total damages to which she deems herself entitled within fifteen (15) days of this request, at 1133 Westchester Avenue, White Plains, New York 10604.

Dated: White Plains, New York
July 8, 2022

Yours, etc.

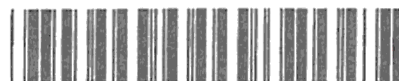
WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

Keri A. Joeckel, Esq.
Attorneys for Defendant
1133 Westchester Avenue
White Plains, New York 10604
(914) 872-7160
File No.: 11033.00281

TO: Brett J. Harrison, Esq.
THE HARRISON LAW GROUP, P.C.
Attorneys for Plaintiff
445 Broad Hollow Road, Suite 400
Melville, New York 11747
(631) 465-9797

Document #8

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

162672

AFFIDAVIT OF SERVICE

Index no : 607007/2022

Date Filed: 04/11/2022

Plaintiff(s):	ILEANA DELGADO
Defendant(s):	BOWLERO SAYVILLE, ET AL.

COUNTY OF ALBANY ss.:

McKayla Wilkinson, being duly sworn, deposes and says: that the deponent is not a party to this action, is over 18 years of age and resides in the State of New York.

That on 07/06/2022 at 3:26 PM, at the office of the Secretary of State of the State of New York in the City of Albany, NY, deponent served the within **NOTICE OF ELECTRONIC FILING, SUMMONS AND VERIFIED COMPLAINT** upon AMF BOWL-O-DROME LANES at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.

Defendant/respondent in this action by delivering and leaving with AMY LESCH, authorized agent in the office of the Secretary of State of the State of New York, one (1) true copy thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40.00. That said service was made pursuant to Section 307 of the Business Corporation Law.

A copy of said documents along with notification of service was also mailed to the defendant registered mail, return receipt requested: RE 144 094 208 US

Deponent further says that the person so served was known as aforesaid to be an authorized agent in the office of the Secretary of State of the State of New York duly authorized to accept such service on the behalf of said defendant/respondent.

Deponent further states that the person actually served is described as follows :

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	White	Blonde	35-40	5Ft4In-5Ft8In	155-165 lbs
Other Features: GLASSES					

Documents were properly endorsed with index number and date of filing.

Sworn to and subscribed before me on 7/8/22

Notary Public

[] Victoria Nelson
Notary Public, State of NY
No. 01NE6376548
Qualified in Albany County
Commission expires 06/11/2026

[] McKayla Wilkinson
Notary Public, State of New York
No. 01WI6406416
Qualified in Schenectady County
Commission expires 3/30/24

[X] Kerry Gunner
Notary Public, State of NY
No. 01GU5038710
Qualified in Albany County
Commission expires 02/06/2023

X McKayla Wilkinson
McKayla Wilkinson
R/D Travelers Process
206 Stonehinge Lane, Suite 2
Carle Place, NY 11514
5167418817
567698
HARRISON

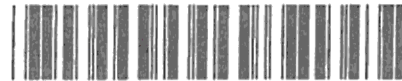


Registered No. RE 1440842015 RE 1440842015		Date Stamp 0207 24
Postage \$ 1.17		ALBANY MAIN OFFICE JUL 08 2022 Package Insured up to \$500.00 declared value. No refund on the indemnity is limited. (See reverse).
Extra Services & Fees (attach)		
<input checked="" type="checkbox"/> Registered Mail \$ 1.17 <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Return Receipt (hardcopy) \$ 0.00 <input type="checkbox"/> Return Receipt (electronic) \$ 0.00 <input type="checkbox"/> Restricted Delivery \$ 0.00		
Total Postage & Fees \$ 1.17		
Customer Must Declare Full Value \$ 0.00		
By Post Office		OFFICIAL USE ALBANY, NY 12207
FROM 115 P.O. Box 9132 Albany NY 12209		TO AME Box - O - Dome Lanes 5100 State Highway Sayville NY 11782
All Entries Must Be in Ballpoint or Typed (Please Print) To Be Completed By Customer		

S Form 3806, Registered Mail Receipt
 April 2015, PSN 7530-02-000-9051
 For domestic delivery information, visit our website at www.usps.com

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 (See Information on Reverse)

Document #9

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

162671

AFFIDAVIT OF SERVICE

Index no : 607007/2022

Date Filed: 04/11/2022

Plaintiff(s):	ILEANA DELGADO
Defendant(s):	BOWLERO SAYVILLE, ET AL.

COUNTY OF ALBANY ss.:

McKayla Wilkinson, being duly sworn, deposes and says: that the deponent is not a party to this action, is over 18 years of age and resides in the State of New York.

That on 07/06/2022 at 3:26 PM, at the office of the Secretary of State of the State of New York in the City of Albany, NY, deponent served the within NOTICE OF ELECTRONIC FILING, SUMMONS AND VERIFIED COMPLAINT upon BOWLERO CORP., D/B/A BOWLERO SAYVILLE at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.

Defendant/respondent in this action by delivering and leaving with AMY LESCH, authorized agent in the office of the Secretary of State of the State of New York, one (1) true copy thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40.00. That said service was made pursuant to Section 307 of the Business Corporation Law.

A copy of said documents along with notification of service was also mailed to the defendant registered mail, return receipt requested: RE 144 094 199 US

Deponent further says that the person so served was known as aforesaid to be an authorized agent in the office of the Secretary of State of the State of New York duly authorized to accept such service on the behalf of said defendant/respondent.

Deponent further states that the person actually served is described as follows :

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	White	Blonde	35-40	5Ft4In-5Ft8In	155-165 lbs
Other Features: GLASSES					

Documents were properly endorsed with index number and date of filing.

Sworn to and subscribed before me on 7/8/22

Notary Public

[] Victoria Nelson
Notary Public, State of NY
No. 01NE6376548
Qualified in Albany County
Commission expires 06/11/2026

[] McKayla Wilkinson
Notary Public, State of New York
No. 01WI6406416
Qualified in Schenectady County
Commission expires 3/30/24

[] Kerry Gunner
Notary Public, State of NY
No. 01GU5038710
Qualified in Albany County
Commission expires 02/06/2023

X
McKayla Wilkinson
R/D Travelers Process
206 Stonehinge Lane, Suite 2
Carle Place, NY 11514
5167418817
567696

HARRISON



Registered No. 2E14610041249 US		Date Stamp 0207 24
Postage \$ \$176 Extra Services & Fees (optional) <input type="checkbox"/> Signature Confirmation \$ <input type="checkbox"/> Signature Confirmation Restricted Delivery \$ <input checked="" type="checkbox"/> Registered Mail \$ \$13.75 <input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ \$3.50 <input type="checkbox"/> Return Receipt (electronic) \$ \$0.00 <input type="checkbox"/> Restricted Delivery \$ Total Postage & Fees \$ \$18.55 Received by 07/08/2022 Customer Must Declare Full Value \$ \$0.00		ALBANY MAIN OFFICE JUL 08 Domestic Insurance up to \$50,000 is included based upon the declared value. International indemnity is limited. (See Reverse).
To Be Completed By Customer (Please Print) FROM US MEDANY NY 12201 PO Box 9132 Albany NY 12204 TO Bowling Green DIBA Bowling Sayville 510 Bowline Highway Sayville NY 11782		
PS Form 3806, Registered Mail Receipt April 2015, PSN 7530-02-000-9051 For domestic delivery information, visit our website at www.usps.com Copy 1 - Customer (See Information on Reverse)		

Document #10

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

162670

AFFIDAVIT OF SERVICE

Index no : 607007/2022

Date Filed: 04/11/2022

Plaintiff(s):	ILEANA DELGADO
Defendant(s):	BOWLERO SAYVILLE, ET AL.

COUNTY OF ALBANY ss.:

McKayla Wilkinson, being duly sworn, deposes and says: that the deponent is not a party to this action, is over 18 years of age and resides in the State of New York.

That on 07/06/2022 at 3:26 PM, at the office of the Secretary of State of the State of New York in the City of Albany, NY, deponent served the within NOTICE OF ELECTRONIC FILING, SUMMONS AND VERIFIED COMPLAINT upon BOWLERO SAYVILLE at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231.

Defendant/respondent in this action by delivering and leaving with AMY LESCH, authorized agent in the office of the Secretary of State of the State of New York, one (1) true copy thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40.00. That said service was made pursuant to Section 307 of the Business Corporation Law.

A copy of said documents along with notification of service was also mailed to the defendant registered mail, return receipt requested: RE 144 094 185 US

Deponent further says that the person so served was known as aforesaid to be an authorized agent in the office of the Secretary of State of the State of New York duly authorized to accept such service on the behalf of said defendant/respondent.

Deponent further states that the person actually served is described as follows :

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	White	Blonde	35-40	5Ft4In-5Ft8In	155-165 lbs
Other Features: GLASSES					

Documents were properly endorsed with index number and date of filing.

Sworn to and subscribed before me on 7/8/22

Notary Public

[] Victoria Nelson
Notary Public, State of NY
No. 01NE6376548
Qualified in Albany County
Commission expires 06/11/2026

[] McKayla Wilkinson
Notary Public, State of New York
No. 01WI6406416
Qualified in Schenectady County
Commission expires 3/30/24

X Kerry Gunner
Notary Public, State of NY
No. 01GU5038710
Qualified in Albany County
Commission expires 02/06/2023

X

McKayla Wilkinson
R/D Travelers Process
206 Stonehenge Lane, Suite 2
Carle Place, NY 11514
5167418817
567694

HARRISON



Registered No. 0E1491694185 US		Date Stamp 0207 24
Postage \$ \$1.76		ALBANY MAIN OFFICE JUL 08 2022 <small>Domestic insurance up to \$50,000 is included upon the declaration of value. International liability is limited. (See Reverse).</small>
Extra Services & Fees (Indicate)		
<input checked="" type="checkbox"/> Registered Mail \$ \$3.75 <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Return Receipt (hardcopy) \$ \$0.00 <input type="checkbox"/> Return Receipt (electronic) \$ \$0.00 <input type="checkbox"/> Restricted Delivery \$ \$0.00		
Total Postage & Fees \$ \$18.51		
Customer Must Declare Full Value \$ \$0.00		Received by 07/08/2022
OFFICIAL USE		
FROM US PO Box 9132 Albany NY 12209		TO Baileto Sayville Seligman Highway Sayville NY 11782
TO		
All Entries Must Be In Ballpoint or Typed To Be Completed By Customer (Please Print) To Be Completed By Post Office		

PS Form 3806, Registered Mail Receipt
 April 2015, PSN 7530-02-000-9051
 For domestic delivery information, visit our website at www.usps.com

Copy 1 - Customer

(See Information on Reverse)

Document #11

NYSCEF DOC. NO. 1
 SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF SUFFOLK

RECEIVED NYSCEF: 07/25/2022
 INDEX #: 607007/2022
 DATE FILED: 04/11/2022
 COURT DATE:
 Job #: 570059
 Your File No: HARRISON

ILEANA DELGADO,

VS

Plaintiff

BOWLERO SAYVILLE, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, AMF BOWLING CENTERS, INC.,
 d/b/a BOWLERO SAYVILLE and AMF BOWL-O-DROME LANES,

Defendant

ORIGINAL

CLIENT'S FILE NO.: HARRISON

STATE OF NEW YORK: COUNTY OF NASSAU ss:

AFFIDAVIT OF SERVICE

I, Frank Sicilia, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 07/15/2022 at 1:59 PM at 5660 SUNRISE HIGHWAY, SAYVILLE, NY 11782, deponent served the within SUMMONS, VERIFIED COMPLAINT AND NOTICE OF ELECTRONIC FILING by personally delivering to and leaving with PHIL AUSSET for BOWLERO CORP., d/b/a BOWLERO SAYVILLE, a true copy thereof, and that deponent knew the person so served to be the MANAGING AGENT/AREA MGR/ and stated (s)he was authorized to accept legal papers for the defendant/recipeint herein.

THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 04/11/2022

A description of the person served on behalf of the defendant is as follows:

Approx Age: 51 - 65 Yrs., **Approx Weight:** Over 200 Lbs., **Approx Height:** 5ft 9in - 6ft 0in, **Sex:** Male, **Approx Skin:** White, **Approx Hair:** Gray, **Other:** HAD A BEARD & MUSTACHE

Leta Evanthes

Sworn to before me on 7/18/2022
 Leta Evanthes 01EV6205373
 Notary Public, State of New York
 Qualified in Nassau County
 Commission Expires May 11, 2025



Frank Sicilia

Frank Sicilia

Document #12

NYSCEF DOC. NO. 142
 SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF SUFFOLK

RECEIVED NYSCEF: 07/25/2022
 INDEX #: 607007/2022
 DATE FILED: 04/11/2022
 COURT DATE:
 Job #: 570058
 Your File No: HARRISON

ILEANA DELGADO,

VS

Plaintiff

BOWLERO SAYVILLE, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, AMF BOWLING CENTERS, INC.,
 d/b/a BOWLERO SAYVILLE and AMF BOWL-O-DROME LANES,

Defendant

ORIGINAL

CLIENT'S FILE NO.: HARRISON

STATE OF NEW YORK: COUNTY OF NASSAU ss:

AFFIDAVIT OF SERVICE

I, Frank Sicilia, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 07/15/2022 at 1:59 PM at 5660 SUNRISE HIGHWAY, SAYVILLE, NY 11782, deponent served the within SUMMONS, VERIFIED COMPLAINT AND NOTICE OF ELECTRONIC FILING by personally delivering to and leaving with PHIL AUSSET for BOWLERO SAYVILLE, a true copy thereof, and that deponent knew the person so served to be the MANAGING AGENT/AREA MGR/ and stated (s)he was authorized to accept legal papers for the defendant/recipient herein.

THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 04/11/2022

A description of the person served on behalf of the defendant is as follows:

Approx Age: 51 - 65 Yrs., **Approx Weight:** Over 200 Lbs., **Approx Height:** 5ft 9in - 6ft 0in, **Sex:** Male, **Approx Skin:** White, **Approx Hair:** Gray, **Other:** HAD A BEARD & MUSTACHE

Leta Evanthes

Sworn to before me on 7/18/2022
 Leta Evanthes 01EV6205373
 Notary Public, State of New York
 Qualified in Nassau County
 Commission Expires May 11, 2025



Frank Sicilia

Document #13

NYSCEF DOC. NO. 607007/2022
 SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF SUFFOLK

RECEIVED NYSCEF: 07/25/2022
 INDEX #: 607007/2022
 DATE FILED: 04/11/2022
 COURT DATE:
 Job #: 570060
 Your File No: HARRISON

ILEANA DELGADO,

vs

Plaintiff

BOWLERO SAYVILLE, BOWLERO CORP., d/b/a BOWLERO SAYVILLE, AMF BOWLING CENTERS, INC.,
 d/b/a BOWLERO SAYVILLE and AMF BOWL-O-DROME LANES,

ORIGINAL

Defendant

CLIENT'S FILE NO.: HARRISON

STATE OF NEW YORK: COUNTY OF NASSAU ss:

AFFIDAVIT OF SERVICE

I, Frank Sicilia, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the state of New York.

That on 07/15/2022 at 1:59 PM at 5660 SUNRISE HIGHWAY, SAYVILLE, NY 11782, deponent served the within SUMMONS, VERIFIED COMPLAINT AND NOTICE OF ELECTRONIC FILING by personally delivering to and leaving with PHIL AUSSET for AMF BOWL-O-DROME LANES,, a true copy thereof, and that deponent knew the person so served to be the MANAGING AGENT/AREA MGR/ and stated (s)he was authorized to accept legal papers for the defendant/recipeint herein.

THE ABOVE PAPERS WERE ENDORSED WITH THE INDEX # AND DATE OF FILING 04/11/2022

A description of the person served on behalf of the defendant is as follows:

Approx Age: 51 - 65 Yrs., **Approx Weight:** Over 200 Lbs., **Approx Height:** 5ft 9in - 6ft 0in, **Sex:** Male, **Approx Skin:** White, **Approx Hair:** Gray, **Other:** HAD A BEARD & MUSTACHE

Leta Evanthes

Sworn to before me on 7/18/2022
 Leta Evanthes 01EV6205373
 Notary Public, State of New York
 Qualified in Nassau County
 Commission Expires May 11, 2025



Frank Sicilia

Frank Sicilia